

Attachment No. 6

July 28, 2005

Order for Low Impact 401 Water Quality Certification
and
Waiver of Waste Discharge Requirements
File No. 05C-041



California Regional Water Quality Control Board San Diego Region



Alan C. Lloyd, Ph.D.
Secretary for
Environmental
Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
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Arnold Schwarzenegger
Governor

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Action on Request for Clean Water Act Section 401 Water Quality Certification and Waiver of Waste Discharge Requirements for Discharge of Dredged and/or Fill Materials

PROJECT: Riprap Replacement 501 First Street Coronado (File No. 05C-041)

APPLICANT: Bill and Heidi Dickerson
501 First Street
Coronado, CA 92118

ACTION:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Order for Low Impact Certification | <input type="checkbox"/> Order for Denial of Certification |
| <input type="checkbox"/> Order for Technically-conditioned Certification | <input checked="" type="checkbox"/> Waiver of Waste Discharge Requirements |

STANDARD CONDITIONS:

The following three standard conditions apply to all certification actions, except as noted under Condition 3 for denials (Action 3).

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. The validity of any non-denial certification action (Actions 1 and 2) shall be conditioned upon total payment of the full fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

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California Environmental Protection Agency

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ADDITIONAL CONDITIONS:

In addition to the three standard conditions, Bill and Heidi Dickerson shall satisfy the following:

A. GENERAL CONDITIONS

1. Bill and Heidi Dickerson shall, at all times, fully comply with the engineering plans, specifications and technical reports submitted with this application for 401 Water Quality Certification and all subsequent submittals required as part of this certification.
2. Bill and Heidi Dickerson shall comply with the applicable requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.
3. Bill and Heidi Dickerson shall maintain a copy of this certification at the project site so as to be available at all times to site personnel and agencies.
4. Prior to the start of the project, Bill and Heidi Dickerson shall educate all personnel on the requirements in this certification, pollution prevention measures, spill response, and best management practices.
5. Bill and Heidi Dickerson shall permit the San Diego Regional Water Quality Control Board (Regional Board) or its authorized representative at all times, upon presentation of credentials:
 - a) Entry onto project premises, including all areas on which wetland fill or wetland mitigation is located or in which records are kept.
 - b) Access to copy any records required to be kept under the terms and conditions of this certification.
 - c) Inspection of any treatment equipment, monitoring equipment, or monitoring method required by this certification.
 - d) Sampling of any discharge or surface water covered by this Order.
6. Bill and Heidi Dickerson shall comply with all policies of the State Water Resources Control Board and Regional Board.
7. In the event the Army Corps of Engineers determines that waters of the United States are isolated, this certification is revoked and the applicant will be required to submit a Report of Waste Discharge to the Regional Board, and receive Waste Discharge Requirements prior to project implementation.

8. Bill and Heidi Dickerson shall notify the Regional Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional BMPs or other measures that will be implemented to prevent future discharges.
9. Bill and Heidi Dickerson shall, at all times, maintain appropriate types and sufficient quantities of materials onsite to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reached a waters of the U.S. and/or State.
10. This Certification is not transferable to any person except after notice to the Executive Officer of the Regional Board. The applicant shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new owner containing a specific date for the transfer of this Certification's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgement that the existing owner is liable for compliance and violations up to the transfer date and that the new owner is liable from the transfer date on.
11. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
12. In response to a suspected violation of any condition of this certification, the Regional Board may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
13. In response to any violation of the conditions of this certification, the Regional Board may add to or modify the conditions of this certification as appropriate to ensure compliance.
14. In accordance with the Water Quality Control Plan for the San Diego Basin (9) (Basin Plan), the conditions specified in this Water Quality Certification constitute the conditions for waiving waste discharge requirements. This waiver of waste discharge requirements may be terminated or modified for cause including but not limited to a violation of any condition specified in this Water Quality Certification.

B. BEST MANAGEMENT PRACTICES

1. All work shall be conducted when the area where riprap is to be placed is exposed and not submerged under water.
2. New riprap shall only be placed within the footprint of the existing rubble shore protection.

C. REPORTING

1. All information requested in this Certification is pursuant to California Water Code (CWC) section 13267. Civil liability may be administratively imposed by the Regional Board for failure to furnish requested information pursuant to CWC section 13268.
2. All applications, reports, or information submitted to the Regional Board shall be signed and certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

3. Bill and Heidi Dickerson shall submit reports required under this certification, or other information required by the Regional Board, to:

Executive Officer
California Regional Water Quality Control Board, San Diego Region
Attn: 401 Certification; File No. 05C-041
9174 Sky Park Court, Suite 100
San Diego, California 92123

PUBLIC NOTIFICATION OF PROJECT APPLICATION:

On May 26, 2005, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

REGIONAL WATER QUALITY CONTROL BOARD CONTACT PERSON:

Phil Hammer
California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123
858-627-3988
phammer@waterboards.ca.gov

WATER QUALITY CERTIFICATION:

I hereby certify that the proposed discharge from the Riprap Replacement 501 First Street Coronado project (File No. 05C-041) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under California Regional Water Quality Control Board, San Diego Region, Waiver of Waste Discharge Requirements (Waiver Policy) No. 17. Please note that this waiver is conditional and, should new information come to our attention that indicates a water quality problem, the Regional Board may issue waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicants' project description and/or on the attached Project Information Sheet, and (b) on compliance with all applicable requirements of the Regional Water Quality Control Board's Water Quality Control Plan (Basin Plan).



John H. Robertus
Executive Officer
Regional Water Quality Control Board

7/28/2005
Date

Attachments: 1. Project Information
 2. Distribution List

**ATTACHMENT 1
PROJECT INFORMATION**

Applicant: Bill and Heidi Dickerson
501 First Street
Coronado, CA 92118
Phone: 702-218-7331

Applicant Representatives: Jean Nichols
JNE & Associates
2608 Shelter Island Drive
San Diego, CA 92106

Project Name: Riprap Replacement 501 First Street Coronado

Project Location: The project is located at 501 First Street in Coronado, California, on San Diego Bay. Assessors Parcel Number 536-030-0100. Lat. 32°42'6.35". Long. 117°10'39.97".

Type of Project: Shoreline Protection

Project Description: The proposed project includes the removal (approximately 450 cubic yards) and replacement (approximately 404 cubic yards) of existing riprap. Filter fabric and quarry riprap will be placed between approximately +1 and +4 Mean Lower Low Water along approximately 80 feet of shoreline. Surface area will total approximately 480 square feet.

Federal Agency/Permit: U.S. Army Corps of Engineers, Nationwide Permit # 43

Other Required Regulatory Approvals: The Port of San Diego found the project to conform with the Port Master Plan on July 18, 2005.

California Environmental Quality Act (CEQA) Compliance: The Port of San Diego found the project to be Categorically Exempt under section 15302 (Replacement or Reconstruction) on July 18, 2005.

Receiving Water: San Diego Bay at Coronado Island (Coronado Hydrologic Subarea (910.10))

Impacted Waters of the United States: Implementation of the proposed project will permanently impact 0.01 acre of previously impacted bay waters and 80 linear feet of previously impacted shoreline.

Dredge Volume: Not Applicable.

Related Projects Implemented/to be Implemented by the Applicant(s): None

Compensatory Mitigation: None

Best Management Practices: Bill and Heidi Dickerson shall comply with the applicable requirements of State Water Resources Control Board Water Quality Order No. 99-08-DWQ, the NPDES General Permit for Storm Water Discharges Associated with Construction Activity.

All work shall be conducted when the area where riprap is to be placed is exposed and not submerged under water.

New riprap shall only be placed within the footprint of the existing rubble shore protection.

Public Notice: On May 26, 2005, receipt of the project application was posted on the Regional Board web site to serve as appropriate notification to the public.

Fees: Total Due: \$500 Total Paid (Check No.): \$500 (1188)

**ATTACHMENT 2
DISTRIBUTION LIST**

Jean Nichols
JNE & Associates
2608 Shelter Island Drive
San Diego, CA 92106

U.S. Army Corps of Engineers
Regulatory Branch
16885 W. Bernardo Dr., Suite 300 A
San Diego, CA 92127
(858) 674-5388 (fax)

U.S. Army Corps of Engineers
Regulatory Branch
P.O. Box 532711
Los Angeles, CA 90053-2325
(213) 452-4196 (fax)

State Water Resources Control Board
Division of Water Quality